Alternative #2

TRP CASE: #10-B RESOLUTION NO. 10-06

RESOLUTION OF THE TOWN OF ST. LEO TOWN COMMSSION

WHEREAS, a Tree Removal Permit application has been submitted by Saint Leo University, Inc. for construction of a Softball Field and Parking Area pursuant to Article XII: Landscape Buffering and Tree Protection, Sec. 12.4 Tree Protection and Restoration.

WHEREAS, the tree removal request for thirty-five (35) trees that include three (3) Grand Trees, twenty-one (21) trees between 10-inch, but less than 20- inch DBH and eleven (11) trees greater than 5-inch DBH, but less than 10-inch DBH, which require approval by the Town Commission.

WHEREAS, a public meeting was held on March 8, 2010, before the Town of St. Leo Town Commission, which gave full and complete consideration to the recommendations of the staff and evidence presented at the meeting.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF ST. LEO TOWN COMMISSION:

SECTION A. REQUEST

The Applicant is requesting removal of three (3) Grand Trees, twenty-one (21) trees between 10-inch, but less than 20-inch DBH and eleven (11) trees greater than 5-inch DBH, but less than 10- inch DBH.

SECTION B. FINDINGS AND CONCLUSIONS

Based on the facts and analysis presented in the staff report (Exhibit A), the Town Commission finds based on the justification statement, site constraints and photographs that the removal of the above referenced trees is warranted.

SECTION C. TOWN COMMISSION DECISION

The request for requesting removal of three (3) Grand Trees, twenty-one (21) trees between 10-inch, but less than 20-inch DBH and eleven (11) trees greater than 5-inch DBH, but less than 10- inch DBH is hereby APPROVED with the following conditions:

1. Plant 94 replacement canopy trees (per LDC list or other Town approved tree), each a minimum of three (3)-inch DBH and ten (10) feet in height, Florida Quality Grade One. Alternatively, pursuant to Section 12.4.9, pay the tree mitigation fee for up to fifty (50) percent (47 trees) of the required trees to be replaced. At least thirty-five (35) of the required replacement trees shall be located within or adjacent to the general area of the proposed softball field and parking lot. Given the existing tree canopy coverage of the

site, the thirty-five (35) replacement trees shall be planted in clusters to provide for future tree grove canopy effect.

- 2. Granting of the Tree Removal Permit is contingent upon the University submitting a PUD site plan review application, and the Town approving said PUD site plan, prior to removal of any trees shown on the plan submitted with the Tree Removal application. The PUD site plan submittal shall include the PUD application requirements as well as the following:
 - a. Depict the tree species and location of the replacement trees as provided for in Condition #1.
 - b. Submit a tree survey of the tree grove area lying between the eastern edge of the proposed softball field parking area and the eastern property boundary of the University. The survey shall provide the tree species and DBH of all protected and non-protected trees.
 - c. Note that any required landscape buffer related to the Softball field and parking lot pursuant to Sec. 12.1 and 12.2 cannot count toward meeting the tree replacement requirement. Requirements related to landscape buffers are in addition to the required replacement trees.
- 3. The replacement trees shall be planted by the Applicant and inspected by the Town Planning Consultant prior to final building inspection of the Softball Field/parking lot project by the Town's Building Official. Any payments to the Tree Mitigation Fund must be made prior to final inspection approval. No final inspection approval will be issued by the Town's Building Official until these conditions are met.

SECTION D. EXHIBITS

The following exhibit is attached to this resolution and incorporated by reference:

Exhibit A: Staff Report.

SECTION E. TOWN COMMISSION MOTION

The foregoing resolution was adopted by the St. Leo Town Commission vote as follows:

Brother James Hallett, O.S.B., Mayor William Hamilton - absent Sister Donna DeWitt Richard Christmas Robert Courtney

DULY PASSED AND ADOPTED this 8th day of March, 2010.

MAYOR, TOWN OF ST. LEO

James. Hallett, OSB Brother James Hallett, O.S.B.

Approved as to form by:

Town Attorney

PATRICIA A. PETRUFF, ESQ. Approved as to legal form and sufficiency

Exhibit A



Town of St. Leo

TREE REMOVAL PERMIT REVIEW (TRP) STAFF REPORT Case # TRP 10-B March 8, 2010 Town Commission Meeting

Property Owner:

Saint Leo University Inc.

Applicant:

Same

Representative:

Frank Mezzanini

Request:

Remove three (3) Grand Trees, twenty-one (21) trees between 10-inch and less than 20-inch DBH and eleven (11) trees greater than 5-inch

DBH, but less than 10-inch DBH.

Location/Legal Description:

Northeastern Quadrant of the Saint Leo University Campus, north of the

tennis courts/baseball field area

Property Appraiser Folio:

06-25-21-0000-00300-0010 (Exhibit A)

Land Use Designation:

Institutional

Zoning:

Institutional

Tree Removal Review Application Overview:

The University proposes to construct a new softball field and associated parking area. The applicant's documents and site plan are contained in Appendix A. As shown on the site plan, a total of thirty-five (35) trees are to be removed. A majority of the trees (32 trees) to be removed are located within the proposed parking area and the remaining trees (3) are within the softball field/stadium footprint. The site is located within the portion of the University dedicated to sports/recreation at the northeastern quadrant of the University campus (Exhibit A). The softball field site is currently an open area located between the tennis courts/existing baseball field to the south, soccer/recreation field to the west, the Lake Jovita development golf course to the north and a wooded area and Lake Jovita residential development to the east.

The applicant proposes to remove thirty-five (35) protected trees. Other trees that will be removed are non-protected trees (Palms, Cherry, Camphor and Chinaberry trees) or trees less than five (5) inch DBH. The trees requiring a permit to be removed are as follows:

Grand Trees:

Live Oak: One (1), 20-inch DBH.

Water Oaks: Two (2), 20 and 23-inch DBH.

Trees 10-inch DBH, but less than 20-inch DBH

- Live Oaks: Thirteen (13), ranging from 10-inch to 18-inch DBH.
- Water Oaks: Eight (8), ranging from 10-inch to 12-inch DBH

Trees greater than five (5) inch DBH, but less than ten (10) inch DBH

Live Oaks: Six (6), ranging from 6-inch to 8-inch DBH.

Water Oaks: Five (5), ranging from 6-inch to 8-inch DBH.

Relevant LDC Sections

Sec. 12.4 Tree Protection and Restoration

Sec. 12.4.1 Purpose and Intent

- A. To promote the health, safety and welfare of the current and future residents of the Town of St. Leo by establishing minimum standards for the regulation of the preservation, protection and removal of trees within the Town of St. Leo.
- B. Trees are declared as a significant natural and visual resource, particularly as related to protecting the aesthetic character of the visual corridors (SR 52 and Lake Jovita) defined in the Town of St. Leo Visual Corridor Study.
- C. Protecting trees maintains the aesthetic character and quality of the Town of St. Leo as adopted in the Comprehensive Plan. The aesthetic quality of the Town is comprised of the forested shoreline of Lake Jovita and its surrounding hillside, and the forested hillsides along S.R. 52.
- D. Trees provide significant environmental benefits such as purifying and cooling the ambient air, providing shade, conserving energy, reducing noise levels, providing important habitats for wildlife and preventing soil erosion and flood control.

Sec. 12.4.3 Tree Removal Permit Required

- A. Any commercial, institutional, multi-family or residential subdivision development requires a tree removal permit for the following:
 - 1. Removal of ten (10) percent or more of the total trees on a property or development site that are greater than five (5) inch diameter at breast height (DBH) or

2. Any tree ten (10) inch DBH or greater.

C. The removal of a Grand Tree (20-inch DBH or greater) on any property requires approval by the Town Commission.

Sec. 12.4.6 Tree Replacement

A. Minimum tree replacement size is three (3)-inch DBH.

B. The replacement tree(s) shall be of a species listed on the Tree Species List. The replacement tree(s) may be located anywhere on the subject property.

C. Minimum number of replacement trees for the removal of a tree less than ten (10)-inch DBH is at a ratio of two (2) replacement trees for each tree removed.

D. The minimum number of replacement trees for a tree removed of ten (10)-inch DBH or greater is at a ratio of three (3) replacement trees for each tree removed.

Staff Review

The proposed project is located within the northeastern quadrant of the University campus, which is an area dedicated to sports and recreational activities (Exhibits A and B). There are three (3) trees to be removed within the softball field area with the remaining trees to be removed for the proposed grass parking area. Appendix B, prepared by the Town Planning Consultant, provides an aerial depicting the location of the parking area relative to the existing tree as well as site photographs the existing trees. These trees provide a canopied tree grove area north of the tennis courts. The majority of this tree grove area will remain intact for the present time. The applicant has provided a justification statement as part of the application; however, no protected trees have been documented by the University as being diseased.

Although the parking area will be grass, the site requires regrading for the purpose of drainage and site leveling for parking purposes. The existing grade of the site slopes from an elevation of 172 feet at the north end to 160 feet at the south end resulting in a grade change of twelve (12) feet. Because of the site's grade change and its higher elevation than the surrounding area, regrading 1.5-3 feet below existing grade will be required for drainage purposes and reducing the steepness of the grade changes on the site to accommodate parking. Based on the University's arborist, this amount of land excavation will have significant impact on the root system of the trees that could eventually lead to the death of the Oak trees.

The site has a number of Oak trees that are located in close proximity or immediately adjacent to Camphor trees. The Camphor trees, which are not protected trees as they are invasive trees not native to Florida, require removal. Based on the University's arborist (Jeffrey Aker), because of their close proximity and/or adjacency to the Oaks, removal of the Camphor trees will impact the root system of the Oak trees, thereby, causing stress that could eventually lead to the death of the Oak trees.

Based on site inspection and discussions with Jeffrey Aker, a number of Oak trees have multiple trunks, which could lead to future health problems, especially in combination with the regrading. In addition, because of the density of Camphor trees on the site some Oaks have grown vertical in form as oppose to the typical broad canopy spread and/or have become misshapen (bowed).

The requirement to seek a tree removal permit for this project is governed by Sec. 12.4.3 A 1 and 2, and C. As noted previously, a tree removal permit is required for the three (3) Grand Trees, twenty-one (21) trees between 10-20 inch DBH and eleven (11) trees greater than 5-inch DBH, but less than 10- inch DBH. Trees 5-inch DBH or less do not require a tree removal permit.

The LDC requires a canopy tree replacement ratio of three (3) to one (1) for any tree 10-inch DBH or greater and a ratio of two (2) to one for any tree less than 10-inch DBH. Therefore, a total of 94 replacement trees would be required as follows:

A total of 24 trees are ten (10) inch DHB or greater = 72 replacement trees.

• A total of eleven (11) trees are greater than five (5) inch DBH, but less than ten (10) inch DBH = 22 replacement trees.

Town Commission Alternatives:

Pursuant to the LDC, removal of grand trees requires approval by the Town Commission. This does not require a formal public hearing and notice, but would be advertised as any normal Commission meeting.

The Town Commission has at least two decision-making alternatives:

Alternative 1: Determine that there is no hardship or justification for removal of the three (3) Grand Trees, twenty-one (21) trees between 10-20 inch DBH and eleven (11) trees greater than 5-inch DBH, but less than 10-inch DBH. Therefore the Tree Removal Permit application is DENIED and the trees are to be preserved and protected.

Alternative 2: Determine that based on the justification statement, site constraints and photographs that the removal of the three (3) Grand Trees, twenty-one (21) trees between 10-20 inch DBH and eleven (11) trees greater than 5-inch DBH, but less than 10-inch DBH is warranted, and therefore, the Tree Removal Permit is APPROVED with the following conditions:

- 1. Plant 94 replacement canopy trees (per LDC list or other Town approved tree), each a minimum of three (3)-inch DBH and ten (10) feet in height, Florida Quality Grade One. Alternatively, pursuant to Section 12.4.9, pay the tree mitigation fee for up to fifty (50) percent (47 trees) of the required trees to be replaced. At least thirty-five (35) of the required replacement trees shall be located within or adjacent to the general area of the proposed softball field and parking lot. Given the existing tree canopy coverage of the site, the thirty-five (35) replacement trees shall be planted in clusters to provide for future tree grove canopy effect.
- 2. Granting of the Tree Removal Permit is contingent upon the University submitting a PUD site plan review application, and the Town approving said PUD site plan, prior to removal of any trees shown on the plan submitted with the Tree Removal application. The PUD site plan submittal shall include the PUD application requirements as well as the following:
 - a. Depict the tree species and location of the replacement trees as provided for in Condition
 - b. Submit a tree survey of the tree grove area lying between the eastern edge of the proposed softball field parking area and the eastern property boundary of the University. The survey shall provide the tree species and DBH of all protected and non-protected trees.

- c. Note that any required landscape buffer related to the Softball field and parking lot pursuant to Sec. 12.1 and 12.2 cannot count toward meeting the tree replacement requirement. Requirements related to landscape buffers are in addition to the required replacement trees.
- 3. The replacement trees shall be planted by the Applicant and inspected by the Town Planning Consultant prior to final building inspection of the Softball Field/parking lot project by the Town's Building Official. Any payments to the Tree Mitigation Fund must be made prior to final inspection approval. No final inspection approval will be issued by the Town's Building Official until these conditions are met.

This report has been prepared by:

Jan A. Norsoph, AICP

Engelhardt, Hammer & Associates, Inc.

San a. Norsoph

Town of St. Leo Planning Consultant

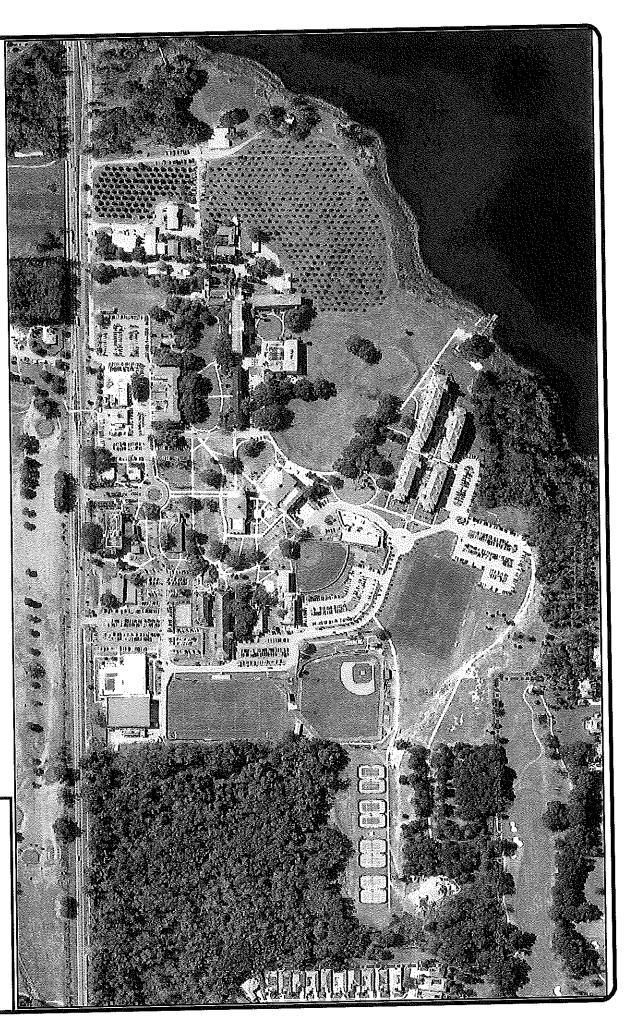
Engelhardt, Hammer & Associates reserves the right to update this report upon becoming aware of new or updated information.

EXHIBIT A



Prepared by the Office of Mike Wells, Pasco County Property Appraiser. Map Created on 2/24/2010 at 1:04:13 PM.

EXHIBIT B Aerial of University Campus





400 Feet

Source: SWFWMD 2009 Aerial

Saint Leo University Campus



ENGELHARDT, HAMMER & ASSOCIATES

Land Planting - 015 - Expert Testimony
4341 Anchor Plaza Parkney, Suite 120, Tumpa, Florida 33634
Telephone (\$13) 889-8100, Fax (813) 889-8811

APPENDIX A

Tree Removal Application and Submittal Documents

APPENDIX A

Tree Removal Application and Submittal Documents

TOWN OF ST. LEO TREE REMOVAL APPLICATION

P.O. Box 2479, Saint Leo, Florida 33574 352.588.2622 Fax 352.588.3010

Date_/-25-/DZoning District:_A_RDR_LDR_MDR_XIL_B_POL_LJ
72701 HUV 57
Project Address ST. LEO UNIVERSITY Telephone 352-467-0107 Property Parcel I.D.# 06-25-21-0000-00300 2010 NORTH PORTION
Property Parcel I.D.# 06-25-21-0000-00300-0010 NORTH PORTON
Project Description CLEARING LAND FOR DEVELOPMENT OF SOMETHICE PROCES
PARLING LOT WITH REPLACEMENT TREES TO LANDSCAPE NEW FACILITIES Is diseased and deemed unsafe and verified by written documentation signed by a licensed professional (forester, arborist or horticulturalist)
Information required for a single-family tree removal permit:
 Identify all trees on the property, indicating the tree(s) to be removed either on property survey, aerial photograph, or hand drawn sketch. The plans shall delineate the tree species, height and size (DBH) to be removed.
Information required for residential subdivision, multi-family, commercial or institutional development tree removal permit.
1. Identify all tress on the property, indicating the tree(s) to be removed either on a site plan or aerial photograph (scale of one (1) inch: two hundred (200) feet or smaller). Plans or an aerial photograph shall delineate the tree species, helght and size (DHB) to be removed.
Submit a written justification statement for the proposed tree removal based on the criteria contained above. Sites to/replace trees must be included in site plans and project description. Date
Signature of Homeowner
St. Leo Signature for Tree Removal Approval Date
Application must be completed by homeowner or an affidavit to Authorize Agent must be completed

Application must be completed by homeowner or an affidavit to Authorize Agent must be completed and notarized.

Form revised 08/11/09



Jeffrey Aker Certified Arborist FL-5725A 36929 Sunshine Rd Zephyrhills Florida Phone number 352-467-0107

Jose Caban Physical plant manager Saint Leo University 33701 SR 52 W. Saint Leo Florida

Re: Wooded area beside tennis courts

Dear Mr. Caban,

Per your request I have completed my evaluation of the wooded area beside the tennis courts. Below please find my synopsis of the trees in the area discussed

*Total size of wooded area 128,800 Sq Ft *Total number of trees 5800 *Average caliper of trees 4" Varieties include; Melia azedarach (China Berry) 20%* Quercus Nigra (Water Oak) 20%* Quercus Viginiana (Live Oak) 30%* Cinnamomum Camphora (Camphor tree) 25%* Washingtonia robusta (Washingtonian palm) 3%* Sabal palmetto (Sabal Palm) 2%*

Most of the trees have a co dominate branching structure, the china berry is an non native invasive tree, I have discovered a small number of larger Quercus Viginiana that would be advantageous to save if the ground grade and locations were not compromised. I have marked some of the more desirable trees with caution tape.

Please feel free to contact me with any questions about this evaluation. Jeffrey Aker Certified Arborist FL 5725A

^{*}All totals were calculated, they could vary slightly from actuality.



Jeffrey Aker Certified Arborist F1-5725A 36929 Sunshine Rd. Zephyrhills Florida Phone 352-467-0107 Fax 352-588-8377

Jose Caban Physical plant manager Saint Leo University 33701 Sr. 52 W. Saint Leo Florida

Re: Phase 1 woods project analysis

Dear Mr. Caban,

Per your request I have completed my evaluation of the wooded area beside the tennis courts. Below please find my synopsis of the trees project in the area discussed.

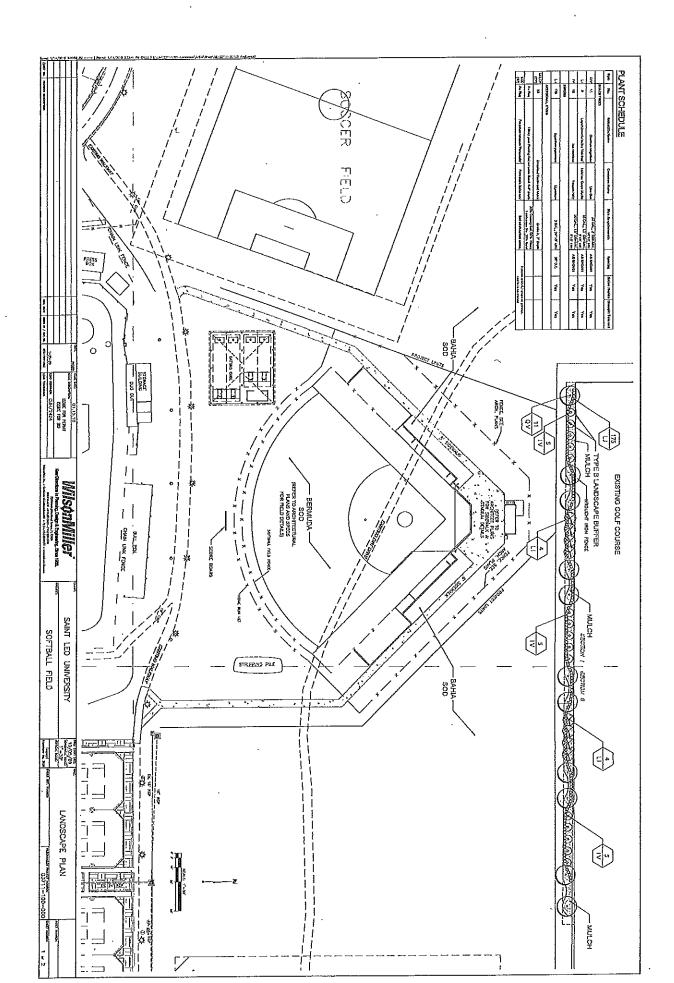
Phase 1 is completed.

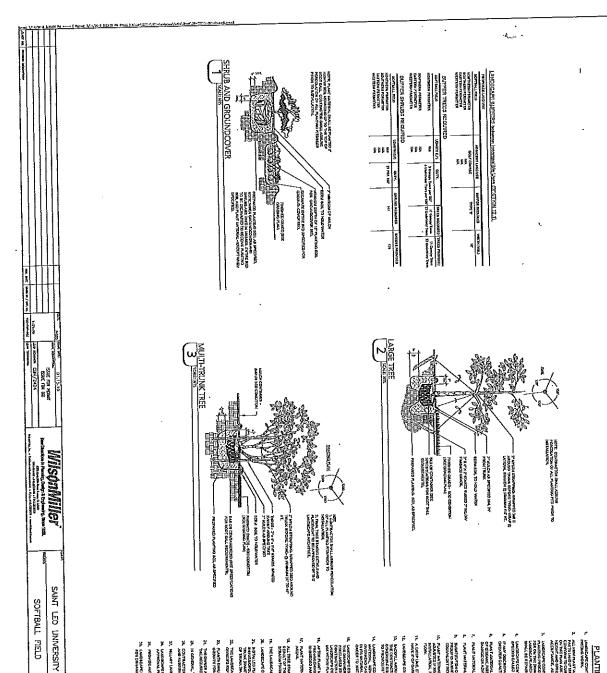
- *95% of the trees under 5 inches were removed
- *80% of the non permitted varieties of trees were removed
- * Remaining non permitted trees were too close to permitted trees to take down without damaging them.

I see no signs of a violation of the City of Saint Leo's Tree ordinances

Please feel free to call me with any questions about the evaluation.

Jeffrey Aker





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10/05/00

LANDSCAPE DETAILS AND NOTES

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Jeffrey Aker Certified Arborist FL-5725A 36929 Sunshine Rd Zephyrhills Florida Phone number 352-467-0107

Jose Caban Physical plant manager Saint Leo University 33701 SR 52 W. Saint Leo Florida

Re: Wooded area beside tennis courts

Dear Mr. Caban,

Per your request I have completed my evaluation of the wooded area beside the tennis courts. Please find my codes and sizes below

- A. Live oak 8"
- B. Water oak 23"
- C. Blank
- D. Live oak 18"
- E. Water oak 20"
- F. Water oak 6"
- G. Water oak 15"
- H. Live oak 20"
- I. Live oak 18"
- J. Water oak 10"
- K. Live oak 6"
- L. Water oak 6"
- M. Water oak 11"
- N. Live oak 15"
- O. Live oak 10"
- P. Water oak 11"
- Q. Live oak 15"
- R. Live oak 6"
- S. Water oak 12"
- T. Live oak 8"
- U. Live oak 10"
- V. Live oak 15"
- W. Water oak 10"
- X. Water oak 10"
- Y. Water oak 6"

Z. Water oak 5"

AA, Water oak 6"

AB. Live oak 8"

AC. Water oak 12"

AD. Water oak 8"

AE. Water oak 2"

AF. Live oak 15"

AG Live oak 10"

AH Live oak 8"

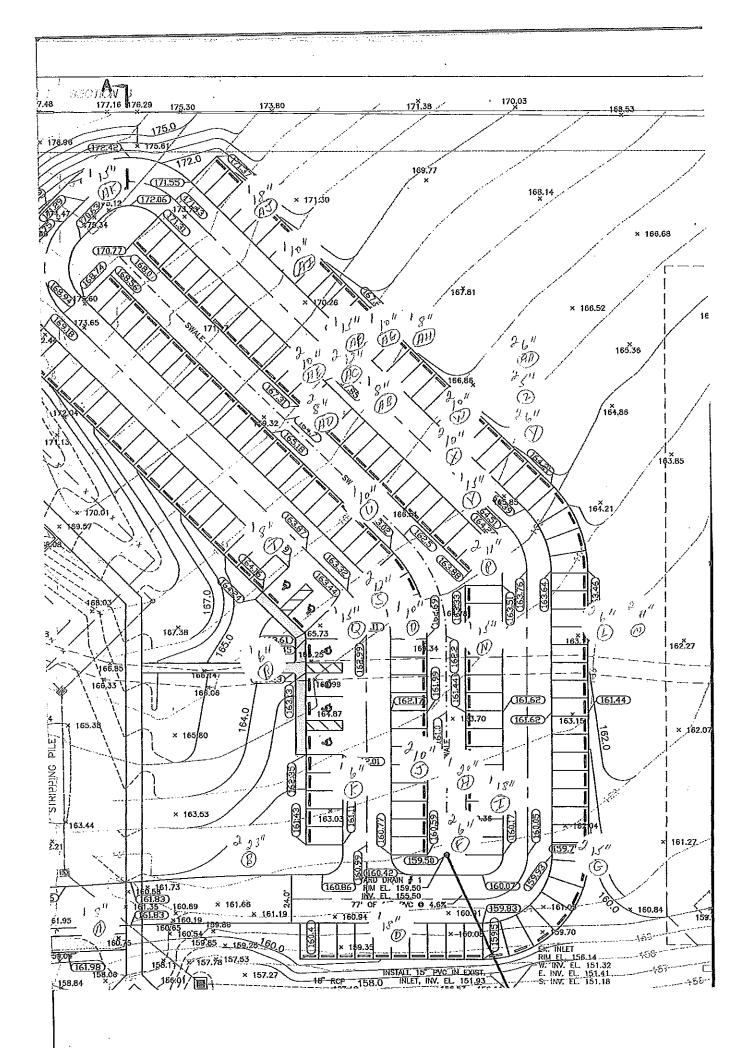
AI Live oak 10"

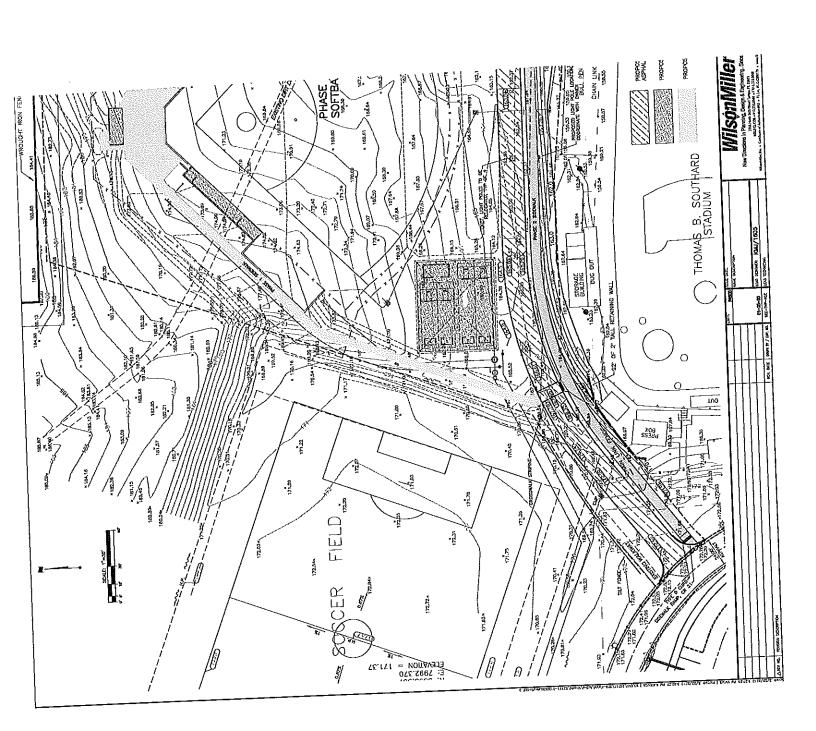
AJ Live oak 18"

AK Live oak 15"

These above permitted trees need to be removed to accommodate a grass parking area. All the trees can not be saved due to the grading needed to install parking lot. The lot is to be excavated 3'-6' deeper than existing grade for proper drainage to the SWFWMD approved location. It is my understanding that 3 trees are to be planted to replace each live oak removed and identified above. Please confirm with the Town Planner to insure the correct number are replanted.

Jeffrey Aker





APPENDIX B

Site Aerial and Photographs

(Prepared by Town Planning Consultant)

Proposed University Ballfield Parking Area (Approximate)

Source: SWFWMD 2009 Aorial
Proposed parking area prepared from WilsonMiller Phase 2
Grading & Drainage Plan

Saint Leo University
Tree Removal Permit Request



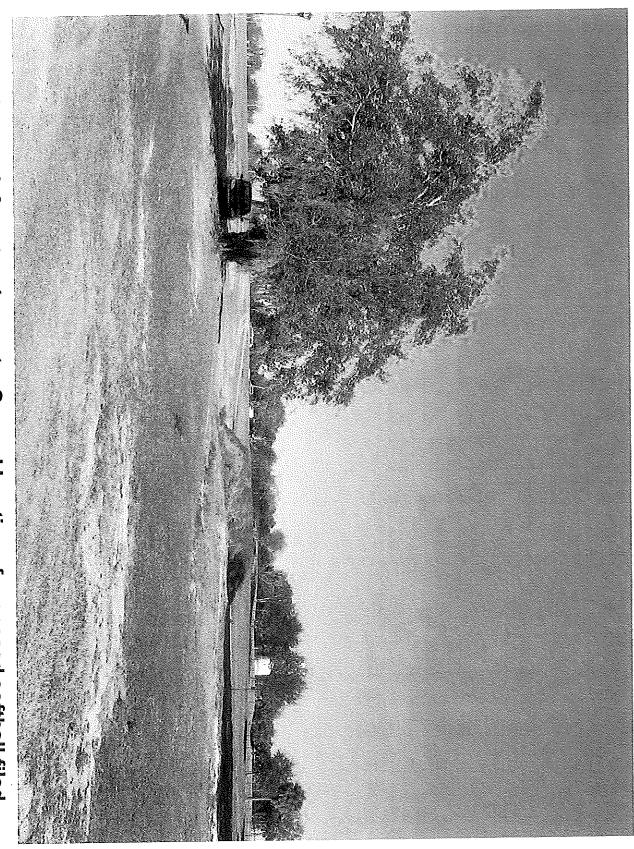
100 Feet

ENGELHARDT, HAMMER & ASSOCIATES

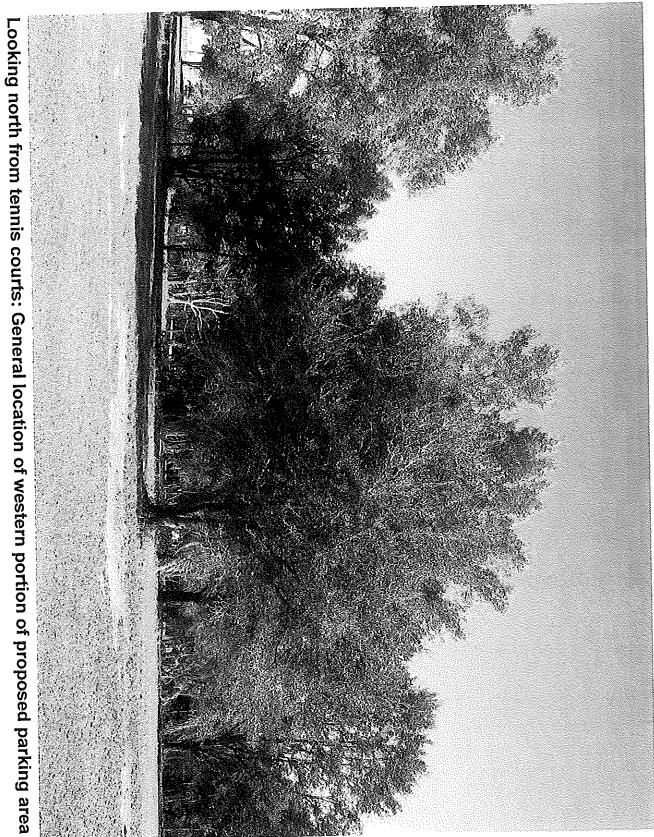
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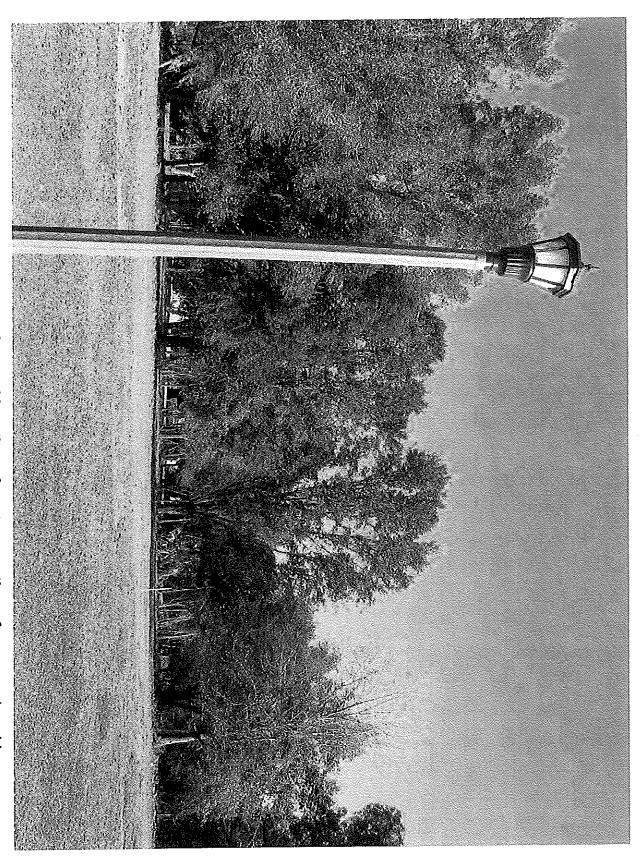
1311 Anchor Fluxo Hurkey, Suite 220, Tampa, Florida 13634

Telephone (613) 889-5100, Fax (813) 889-8811



Looking north from tennis courts: General location of proposed softball filed





Looking north from tennis courts: General location of eastern portion of proposed parking area